

Remarks

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks. Claims 1-19 are pending in the application. Claims 1-19 are rejected. No claims have been allowed. Claims 1, 8, 9, and 16 are independent. By this amendment, claim 17 has been canceled without prejudice. Claims 20 and 21 are new.

Cited Art

The Action cites Mancisidor et al., (US Patent 6,745,172 B1) ("Mancisidor").

Claim Rejections under 35 U.S.C. § 102

The Action rejects claims 1, 4, 6, 8-9, 12, 14, and 16-19 under 35 USC 102(c) as being anticipated by Mancisidor. Applicants respectfully submit the claims are allowable over the cited art. For a 102(c) rejection to be proper, the cited art must show each and every element as set forth in a claim. (*See* MPEP § 2131.01.) However, the cited art does not describe each and every element. Accordingly, applicants request that all rejections be withdrawn. Claims 1, 8, 9, and 16 are independent. Claims 20 and 21 are new.

Claim 1.

Mancisidor fails to anticipate, e.g., the amended claim 1 language below:

gathering input data of the user's responses to the questions, the input data including computer type, wherein the computer type comprises at least one of laptop or desktop;...and wherein evaluating the input data comprises heuristically identifying a primary computer out of the group of computers based on the input data characterizing each computer's current internet connection type, operating system, and computer type and *wherein identifying a primary computer as a laptop is disfavored*. [Emphasis added.]

In Mancisidor, an agent uses an expert system to recommend data network products and services to a customer. Mancisidor, Abstract. Mancisidor describes laptops solely in the context of the agent accessing the expert system (as understood by applicants). [Mancisidor 10:10-11:34, Fig. 2 at 291 (showing a laptop computer 291 as part of an agent interface 290).] Even though Laptops are explicitly mentioned, they are **not** discussed with reference to inputs to

the expert system or as network solutions provided by the network system. As Mancisidor did not mention laptops being parts of networks, Mancisidor certainly did not anticipate special rules relating to laptops, such as “*identifying a primary computer as a laptop is disfavored.*” For at least this reason, claim 1 is in condition for allowance. Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 9 under 35 U.S.C. §102 are respectfully requested.

Claims 2-7.

Claims 2-7 ultimately depend from allowable claim 1 and so should themselves be allowable. Claims 2-7 also present novel combinations over Mancisidor.

Claim 8.

Mancisidor fails to anticipate, e.g., the amended claim 8 language: “wherein providing a presentation of a set of network products comprises at least one on-line shopping link to allow the user to immediately purchase at least one product via an on-line store.”

In Mancisidor, an agent is expected to mediate between the customer and the expert system. [See, e.g., Abstract “The invention allows an agent to interact with a customer and to provide selection and recommendation of data network products and/or services for the customer,” Mancisidor, Fig. 1 (showing an Agent 102 between a customer 104 and an expert system 131); Mancisidor, Fig. 2 (showing an Agent interface 290 connected to an expert system 231) and Mancisidor 12:3-4 “Ultimately, in a block 350, the ratings are then summarized for use by an agent.”]

The output of the expert system is described in terms of ratings [See, e.g., Fig. 3 at 340 “Product/Services Rating,” Fig. 4 at 450 “Product(s)/Service(s) Ratings Summary,” Fig. 5 at 531 “Expert System Rating,” Fig. 6 and its writeup at 14:53-15:40 “provide[s] virtually immediate recommendation to the customer 604,” Fig. 13 “Summarize Ratings 1380”.] That is, Mancisidor recommends a system, through use of the expert system, to a customer.

Applicants cannot find a discussion of the customer purchasing equipment within Mancisidor. As Mancisidor does not teach or suggest a customer purchasing equipment based on the expert system ratings, it certainly does not teach or suggest the claim 8 language “wherein

providing a presentation of a set of network products comprises at least one on-line shopping link to allow the user to immediately purchase at least one product via an on-line store.”

For at least the above reason, claim 8 is in condition for allowance. Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 9 under 35 U.S.C. §102 are respectfully requested.

Claim 9.

Mancisidor fails to anticipate, e.g., the claim 9 language:

programming code for evaluating the input data to determine a prioritized set of network solutions suitable for the group of computers and their environment out of a set of possible network solutions, the set of possible network solutions including at least one *hybrid solution employing more than one networking topology type*... [Emphasis added.]

The Office cites to two different sections of Mancisidor to teach or suggest the above language. Each will be discussed in turn.

The Office first cites to Mancisidor 4:5-9, quoted below.

The method also includes identifying a recommended data network solution from among the data network configuration solutions based on the ratings of the data network configuration solutions.

Mancisidor, above, discusses choosing a recommended network from among the different possible networks. It does not discuss what form the networks take, and does not discuss or even hint at specifics of those solutions, let alone the claim 9 language of a *hybrid solution employing more than one networking topology type*.

The Office then cites to Mancisidor 31:57-62, quoted below.

That is to say, some of the nodes may not be connected to one another at all. In addition, the size of the particular links between those nodes that do need to communicate with one another is appropriately chosen to accommodate the needs of that particular link. Therefore, many of the links may very well have different capacities. Mancisidor 31:57-62.

Here, Mancisidor discusses the *capacity* of a given link; that is, the bandwidth of the link. Mancisidor 36:31-32. Mancisidor does teach that a network can have individual links with different bandwidths. This is completely different than the networking topology type, and does not teach or suggest a *hybrid solution employing more than one networking topology type*.

For at least the above reasons, the Action has failed to make a prima facie case of anticipation against claim 9. Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 9 under 35 U.S.C. §102 are respectfully requested.

In the event that the Office maintains the rejection of independent claim 9 under 35 U.S.C. §102, Applicant respectfully requests that the Office identify on the record and with specificity sufficient to support a prima facie case of anticipation, where in the Mancisidor patent the subject features of independent claim 9 of a “*hybrid solution employing more than one networking topology type*” is alleged to be taught.

Claims 10-15.

Claims 10-15 ultimately depend from allowable claim 9 and so should themselves be allowable. Claims 10-15 also present novel combinations over Mancisidor. Such action is respectfully requested.

Claim 16.

Mancisidor fails to anticipate, e.g., the amended claim 16 language:

wherein the network solution output generator comprises a network diagram generator, a shopping list generator and a setup instructions generator for dynamically generating a network diagram, a shopping list of the network products and setup instructions for constructing the network, respectively

Language from claim 17 was lifted into claim 16. The Action cites to Mancisidor Fig. 2, 290-293 and 230-231 to teach or suggest the above claim language. The cited portion of Fig. 2 shows an Agent interface (290-293) connected, eventually, to an expert system 231 and a product service database 230. Applicants have examined the diagram and the associated text (Mancisidor, 10:50-11:57) and can find no teaching of, e.g., “a network diagram,” a “shopping list of network products” and “setup instructions for constructing the network.” A “listing of such available products (including services)” “that may be sought by a customer” is mentioned. (Mancisidor, 11:36-42.) This, however, does not mention, teach or suggest any sort of division of the products into a “shopping list,” and has nothing to do with the claim 16 features “a network diagram,” and “setup instructions for constructing the network.”

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 16 under 35 U.S.C. §102 are respectfully requested.

In the event that the Office maintains the rejection of independent claim 16 under 35 U.S.C. §102, Applicant respectfully requests that the Office identify on the record and with specificity sufficient to support a prima facie case of anticipation, where in the Mancisidor patent the subject features of independent claim 16 of a “network diagram,” a “shopping list of the network products” and “setup instructions for constructing the network” are alleged to be taught.

Claims 18-19.

Claims 18-19 ultimately depend from allowable claim 16 and so should themselves be allowable. Claims 18-19 also present novel combinations over Mancisidor. Such action is respectfully requested.

Patentability of Claims 2-3, 5, 7, 10-11, 13, and 15 Under 35 U.S.C. § 103(a)

The Action rejects claims 2-3, 5, 7, 10-11, 13, and 15 under 35 U.S.C. § 103(a) as unpatentable over Mancisidor. In the interest of brevity, Applicants do not belabor the language of each of the dependent claims, but points out that they recite novel and nonobvious features allowable over the proposed Mancisidor-Official Notice combination. These claims are also ultimately dependent claims of allowable claim 1 or claim 9, and as such should be allowable themselves. Such action is respectfully requested.

Amendment and New Claims Support

Support for the amendments and new claims is found throughout the Specification and figures as originally filed. In addition, the following examples of support are given.

Specification, page 8, lines 15-29;

Specification, page 13, line 5 to page 16, line 12;

Specification, page 20, lines 1-3;

Specification, page 24, lines 13-16.

Interview Request

If the claims are not found by the Examiner to be allowable, the Examiner is requested to call the undersigned attorney to set up an interview to discuss this application.

Conclusion

The claims in their present form should be allowable. Such action is respectfully requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By /Genie Lyons/
Genie Lyons
Registration No. 43,841